

Article - State Finance and Procurement

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§5A-330.

(a) (1) In this section the following words have the meanings indicated.

(2) “AAHP Grant Fund” means the African American Heritage Preservation Grant Fund of the Trust.

(3) “African American Heritage Grant” means a grant made under the Program.

(4) “African American Heritage Preservation Project” means a capital project that:

(i) preserves buildings, communities, and sites of historical and cultural importance to the African American experience in the State; and

(ii) is for:

1. the acquisition of land or buildings; or

2. the construction or improvement of land or buildings.

(5) “Commission” means the Commission on African American History and Culture.

(6) “Construction or improvement” means planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

(7) “Program” means the African American Heritage Preservation Program.

(8) “Secretary” means the Secretary of Planning.

(b) (1) There is an African American Heritage Preservation Program in the Trust.

(2) The purpose of the Program is to identify and preserve buildings, communities, and sites of historical and cultural importance to the African American experience in the State.

(3) The Trust shall develop and administer the Program in partnership with the Commission.

(c) (1) There is an African American Heritage Preservation Grant Fund in the Trust.

(2) The Trust shall administer the AAHP Grant Fund.

(3) The AAHP Grant Fund may be used only for African American Heritage Grants.

(4) (i) The AAHP Grant Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of this article.

(ii) The State Treasurer shall hold the AAHP Grant Fund separately and the Comptroller shall account for the AAHP Grant Fund.

(5) The AAHP Grant Fund consists of:

(i) money appropriated in the State budget to the Program;

(ii) investment earnings of the AAHP Grant Fund;

(iii) any other money from any other source accepted for the benefit of the AAHP Grant Fund; and

(iv) money received from the sale of State general obligation bonds.

(6) For each fiscal year, the Governor shall include in the annual operating or capital budget an appropriation of \$1,000,000 to the AAHP Grant Fund.

(7) (i) The State Treasurer shall invest the money of the AAHP Grant Fund in the same manner as other State money.

(ii) Any investment earnings of the AAHP Grant Fund shall be paid into the AAHP Grant Fund.

(8) Expenditures from the AAHP Grant Fund may be made only in accordance with the State budget.

(d) (1) On or before a date established annually by the Trust and the Commission and subject to availability of money in the AAHP Grant Fund, an individual or a business entity, nonprofit organization, or political subdivision may submit an application for an African American Heritage Grant to the Trust.

(2) An application shall include:

- (i) a description of the scope and purpose of the project;
- (ii) a building plan that includes the estimated total cost of the project; and
- (iii) any other information required by the Trust and the Commission.

(e) An African American Heritage Grant to a business entity, an individual, or a political subdivision:

(1) is subject to a requirement that the prospective grantee provide a matching fund from any combination of federal, county, municipal, or private sources; and

(2) may not exceed 50% of the total cost of the African American Heritage Preservation Project for which the African American Heritage Grant is awarded.

(f) (1) The Trust and the Commission shall:

(i) review all grant applications submitted in accordance with subsection (d) of this section;

(ii) except as provided under subsection (g) of this section, consider a grant application competitively against all other grant applications submitted during the same fiscal year; and

(iii) make recommendations regarding each application to the Secretary for the award of African American Heritage Grants.

(2) In making recommendations under this subsection, the Trust and the Commission shall consider:

- (i) the public necessity and urgency of a project;

- (ii) the need for additional sources of funding for a project;
- (iii) the estimated cost and timeliness of executing a project;
- (iv) the viability of matching funds for a project;
- (v) geographic diversity; and
- (vi) any other criteria determined by the Trust and the Commission to be relevant.

(g) (1) In any fiscal year, the Secretary may reserve up to 20% of the money available in the AAHP Grant Fund to award African American Heritage Grants to eligible emergency African American Heritage Preservation Projects not otherwise applied for in accordance with subsection (d) of this section.

(2) The application for an emergency grant shall include any information required by the Trust.

(3) The Trust and the Commission shall:

- (i) review all applications for emergency grants; and
- (ii) for each application for an emergency grant, make recommendations to the Secretary on whether to award the grant.

(h) (1) The Secretary shall:

- (i) review each grant application submitted under subsection (d) or (g) of this section and the recommendations of the Trust and the Commission;

- (ii) consider:

- 1. the applications and recommendations under the criteria set forth in subsection (f)(2) of this section; and

- 2. if the grant was submitted under subsection (g) of this section, the nature of the emergency; and

- (iii) subject to paragraph (2) of this subsection, make the final decision to award the grant or deny the application.

(2) The Secretary may award a grant under the Program only for an African American Heritage Preservation Project.

(i) On or before December 31 of each year, the Trust and the Commission shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly, on the financial status and the activities of the Program and the AAHP Grant Fund for the prior fiscal year.

(j) (1) Except as provided in paragraph (3) of this subsection, the Trust shall require a grantee awarded an African American Heritage Grant to enter into an agreement to preserve and maintain the property for which the grant was awarded.

(2) If the property is historic real property, the agreement shall be a recordable historic preservation easement.

(3) The Director may waive the agreement or easement requirement if the Director determines that an agreement or easement is impracticable, infeasible, or not necessary under the circumstances.

(k) (1) Subject to paragraph (2) of this subsection, the Secretary, in consultation with the Commission, shall adopt regulations to implement the Program.

(2) A proposed regulation that relates to approval by the Board of Public Works of grants to be financed through the sale of State general obligation bonds may not be adopted under paragraph (1) of this subsection unless the regulation is approved by the Board of Public Works.

(l) To the extent required by regulations adopted under subsection (k) of this section, the Trust and the Commission shall submit to the Board of Public Works for the Board's approval each African American Heritage Grant that is to be financed through the sale of State general obligation bonds.

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